

No. 3214

Superior Court,
of Tehama
County of Tehama
STATE OF CALIFORNIA

Jas Miles
Plaintiff

vs.
H N Pritchard
et al
Defendants

Judgment
Filed July 8th 1918
J. E. Rubin
Clerk
By E. A. E. Smith
Deputy Clerk

Due service of the within
by copy is hereby admitted this
day of 1918

Attorney for

McCOY & GANS

Attorneys for

Red Bluff, California

187-Book E

3214

In the Superior Court
Of the County of Tehama, State of California

James A. Wells
vs.
H. M. Pritchard
et al

County of Tehama, ss.

I, H. G. KUHN, County Clerk of the County of Tehama, State of California, and ex-officio Clerk of the Superior Court thereof, do hereby certify the foregoing to be a true copy of the Judgment entered in the above entitled cause, and recorded in Judgment Book "E" of said Court, at page 184. And I further certify that the foregoing papers hereto annexed constitute the Judgment Roll in said cause.

Witness my hand and Seal of said Superior Court

this 8th day of July

A. D. 1913

H. G. Kuhn
Clerk.

By E. A. Edfield
Deputy Clerk.

IN THE SUPERIOR COURT OF THE COUNTY OF BLUFF,
STATE OF CALIFORNIA.

1 James A. Wells, G.H. Childs, H.L. Bouton, C.M. Goodrich,
2 E.H. Crocker, John Hayer, Mrs. I.E. Greshaw, adminis-
3 tratrix of the estate of Martha Barlow, deceased,
4 Birdie H. Blodgett, S.D. Pruden, A.T. Forward, Frank
5 Forward, William Welch, E.H. Denton, Mrs. A. DeMont-
6 anya, W.S. Bramlett, Frank Williams, Robert E. Ellis,
7 Nancy Ellis, J.E. Edwards, J.V. Moler, I.E. Greshaw,
8 W.J. Harrison, C.A. Baker, E.W. Graham, Nettie H. Gra-
9 ham, R.L. Fulbright, James L. Cofer, Willis R. Stone,
10 E.H. Crocker and Lillie E. Cofer, Plaintiffs.

vs.

11 H.H. Eritchard, Thomas Eritchard, L.A. Dergin, H.A.
12 Randall, E. Randall and L.F. Mounts, Defendants.

JUDGMENT BY COURT.

13 This cause came on regularly for trial on the 12th day of March,
14 1913, McCoy & Gans appearing as Attorneys for the Plaintiffs, and W.
15 A. Fish appearing as Attorney for the Defendants H.H. Eritchard, Thomas
16 Eritchard and L.A. Dergin, and E.A. Andrews appearing as Attorney for
17 the Defendants L.F. Mounts, and no one appearing for the Defendants
18 H.A. Randall and E. Randall. On motion of said Counsel for the Plaint-
19 iffs the action was dismissed as to said Defendants H.A. Randall and
20 E. Randall. On motion of Counsel for Plaintiffs also the following
21 substitutions as to Plaintiffs were made, to wit: Birdie H. Blodgett
22 for L.F. Blodgett; S.D. Pruden for Emma B. Yager; J.E. Edwards for Mrs.
23 Virginia Gibbins.

24 A trial by jury having been waived by the parties, the Cause was
25 tried before the Court without a jury, where-upon witnesses upon the
26 part of Plaintiffs and Defendants were duly sworn and examined, and
27 documentary evidence introduced by the respective parties, and a stip-
28 ulation having been filed by said Attorneys for Plaintiffs and by
29 said E.A. Andrews on behalf of Defendants L.F. Mounts, that judgment
30 might be entered in accordance with said stipulation, and the evidence
being closed, the cause was submitted to the Court for consideration
and decision; and Findings of Fact having been specially waived by
the respective parties and by their said Attorneys; the Court does

0 hereby order, adjudge and decree as follows:

CO 1. That said Plaintiffs are the owners of certain water ditches
1 taken from that certain stream known as Digger Creek described in their
2 complaint, and of the right to take and divert from said Digger Creek
3 the waters thereof at the heads of their said ditches, respectively,
4 and to use said waters upon their lands set forth and described in
5 said complaint for irrigation and for other useful purposes thereon,
6 and that for many years last past said Plaintiffs and their preces-
7 sors in interest have taken and diverted and appropriated from said
8 Creek all of the waters thereof at the heads of their said ditches,
9 during the dry season and during the season of low
10 water in said Creek.

11 That said Plaintiffs are entitled to all of the waters of said
12 Digger Creek for said uses and purposes, except as hereinafter adjudg-
13 ed and decreed to the Defendants.

14 2. That Defendant E.F. Mounts is the owner of the North Half
15 of the North Half of Section 19, in Township 30 North of Range 5 East
16 N.D.M., and that he has the right to take and divert from ^{the North Fork of} said Digger
17 Creek, during the months of July, August and September of each year,
18 for the irrigation of his said land and for other uses thereon ten (10)
19 inches of water measured under a four-inch pressure, and no more; and
20 that during the remainder of each year said Defendant has the right
21 to take and divert from said North Fork of Digger Creek for said uses
22 and purposes Twenty-five (25) inches of water measured under a four-
23 inch pressure, and no more; said water so used by him, or any surplus
24 thereof, is to be returned to said Creek as soon as practicable after
25 such use by him.

26 3. That Defendant E.A. Bergin is the owner of the Northwest Quarter
27 of the Northwest Quarter of Section 26, in Twp. 30, N.R. 2 E., N.D.M.,
28 said land lying upon said Digger Creek and being riparian thereto.
29 That said E.A. Bergin is the owner of a water ditch taken from the
30 north side of said Digger Creek for the irrigation of that portion of
said forty acres of land lying on the north side of said Creek, and

1 have the right to divert from said Creek and in and through said
2 ditch twenty (20) miners inches of water, and no more, for the
3 irrigation of said portion of said forty acres of land lying
4 north of said Creek. That said L. A. Bergin is the owner of a
5 water ditch taken from the south side of said Digger Creek for
6 the irrigation of that portion of said forty acres of land
7 lying on the south side of said creek, and has the right to take
8 and divert from said creek and in and through said ditch fifty
9 (50) miners inches of water, and no more, for the irrigation of
10 said portion of said forty acres of land lying south of said
11 creek and for other useful purposes thereon.

12 Said Bergen may when actually engaged in irrigating his said
13 lands north of said creek take out of said creek a larger amount
14 of water than 20 inches, and in all not exceeding 40 inches, to
15 irrigate said lands on said north side of the creek, at the same
16 time diminishing the amount flowing in his ditch on south side of
17 the creek to the extent of the excess of 20 inches flowing in
18 north ditch. The privilege thus to use more than 20 inches of
19 water on north side of said creek to cease when the lands on
20 north side and ^{side} south are no longer owned by the same person.

21 That said Bergen shall so use the said water in and through
22 the said ditches that the same shall return to said Creek before
23 leaving his said land.

24 4. That Defendant Thomas J. Pritchard is the owner of the
25 south-east quarter of Section Twenty-one and the South-west quarter
26 of Section Twenty-two, in Twp. 30, N. R. 2 E. M. D. M. That
27 said Thomas J. Pritchard is the owner of a water ditch taken from
28 the north side of said Digger Creek for the irrigation of port-
29 ions of said described lands, and has the right to take and
30 divert from said Creek and in and through said ditch One
31 Hundred twenty-five (125) miners inches of water, and no more,
32 for irrigation and for other useful purposes on said lands.

 That said Thomas J. Pritchard shall use the said water from

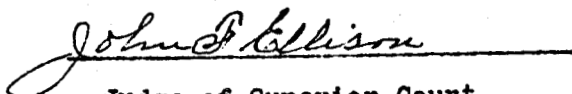
1 ~~from~~ said creek as the same has been heretofore used by him, to-wit,
2 upon those portions of said lands which slope toward said Digger
3 Creek, so that any surplus or wastex water from said use shall
4 flow back into said Creek, and any such surplus or waste water
5 shall not be conducted beyond ^{his} said lands.

6 5. That Defendant H. N. Pritchard is the owner of the north-
7 west quarter of the north-east quarter, the north-half of the
8 north-west quarter and the south-west quarter of the north-west
9 quarter of Section 26, in Twp, 30, N. R. 2 E. M. D. M. That said
10 H. N. Pritchard is the owner of a water ditch taken from the
11 south side of said Digger Creek for the irrigation of a portion
12 of said lands lying along said creek and has the right to take
13 and divert from said creek and in and through said ditch eighteen
14 (18) miners inches of water, and no more, for irrigation and for
15 other useful purposes on those portions of said lands, lying
16 along and riparian to said creek.

17 That said H. N. Pritchard shall use the said water from said
18 creek as the same has been heretofore used by him, to-wit; upon
19 those portions of said lands which lie along and slope toward
20 said creek, so that any surplus or waste water shall flow back
21 into said creek.

22 6. That no party to this action shall recover costs.

23 Done in open Court, this 9 day of June, 1913.

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26 Judge of Superior Court.
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